

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CONTEMPT PETITION NO.95 OF 2006

IN

WRIT PETITION NO.1794 OF 2006

...

Shriram Gangaram Jaiswal ...Petitioner

v/s.

Municipal Corporation of
Gr.Mumbai and ors. ...Respondents

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Mr.Jitendra G. Damani for the Petitioner.

Ms.A.R.Joshi for the BMC.

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CORAM: D.K.DESHMUKH, J.

DATED: 15TH JANUARY, 2007

P.C.:

1. This petition alleges willful breach of the order passed during vacation by this court in a petition, which is still pending. The order is dated 29th May, 2006. It appears that the articles of the Petitioner were seized by the Corporation. He filed a writ petition in this court. By order dated 29th May, 2006 statement of the Petitioner that he is willing to deposit Rs.9600/- was recorded. His further statement that after he deposits the amount of Rs.9600/- on being communicated the final amount by the licence department, it will be deposited within a period of two weeks of the amount being informed to them.

2. It is the case of the Corporation that so far as mango boxes seized from the Petitioner are concerned since they were perishable item they were sold even before the interim order was passed by this court. So far as other articles are concerned, the licensing department has communicated that the Petitioner has to pay Rs.24800/-, and as the Petitioner has not paid

that amount, articles are not released. According to the Respondent if the Petitioner deposits the amount even now, the articles can be released.

3. According to the Petitioner he has not received the letter dated 31-5-2006 whereby the amount has been quantified. But as the Petitioner has filed a copy of that letter alongwith the petition, it is clear that the Petitioner has become aware of the contents of that letter.

4. Therefore, really speaking as per the statement recorded in the order dated 29th May, 2006 the Petitioner has not deposited the amount quantified by the licensing department. The Petitioner has not complied with his own statement. In my opinion, therefore, he cannot allege that the Corporation has committed breach of the order passed by this court. In any case, writ petition is still pending and therefore, in my opinion, it will not be in the interest of justice to initiate any action under the Contempt of Courts Act in this petition. Petition is, therefore, disposed of.

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